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The Honorable Kevin Martin
Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Federal Communications Commission
Office of the Secretary

LETTER No 04-186

Dear Chairman Martin:

On behalf of the television viewers in my district of New York, I am writing to express my deep concern about a proposal pending before the FCC in OET Docket No. 04-186; 02-380. This proposal would place personal and portable unlicensed transmitting devices in the "so-called" TV White spaces. Legislation now pending before the House Commerce Committee, HR 1597, also raises some of these issues. Placing these devices in the TV band is likely to cause unacceptable interference to television reception for all Americans.

Proponents of unlicensed transmitting devices want to operate on so-called "vacant" channels that are immediately adjacent to the channels being viewed by consumers. However, an analysis of the FCC's Office of Engineering and Technology's recently released data on television receiver performance reveals that digital television sets may suffer interference in **80 to 87% of a television station's coverage area** from unlicensed devices operating on these "vacant" channels.

Interference-free, over-the-air television is extremely important to the successful completion of the digital transition. Nearly 21 million homes – nearly one in five of all television-equipped households – rely exclusively on free, over-the-air television broadcasts. Of these households, nearly half have annual incomes of less than \$30,000. Senior citizens head many of these households. In addition, nearly 40% of Hispanic households rely *exclusively* on over-the-air reception for their local news and entertainment programming.

Placing these devices in the TV band will have a tremendous negative impact on all Americans. Over the next two years, consumers will spend billions of dollars purchasing new digital television sets to comply with the change from analog to digital television on February 17, 2009.

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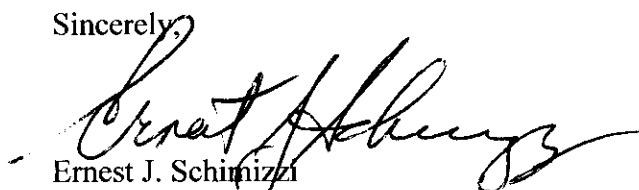
For those who cannot afford to purchase new equipment, Congress has allocated \$1.5 billion dollars to fund a digital-to-analog converter box so consumers can still use their existing sets. All of this equipment is susceptible to interference from unlicensed devices operating in the band.

This interference is impossible to police. Consumers will not know the source of the interference. Users of unlicensed devices will not realize they are causing interference to their neighbors. With potentially millions of devices placed in the hands of consumers, finding an interfering device will be next to impossible.

I understand that some proponents assert that these devices are necessary to promote rural broadband. Expanding rural broadband opportunities is an important public policy objective. Nonetheless, this objective can be achieved without causing interference to consumers' digital television sets and digital-to-analog converter boxes. With careful spectrum planning the FCC can foster opportunities for "fixed" rural broadband systems without causing interference to television reception.

In summary, the FCC must make the successful transition to digital television its *top* priority. Now is not the time to experiment with placing potentially interfering devices on TV frequencies that have not undergone significant testing in real world situations. The Commission must make sure that viewers who rely heavily on over-the-air signals, such as Hispanic viewers, senior citizens and lower income citizens are not left out of the digital transition because their new digital TV sets receive interference. Accordingly, I urge you to proceed with the utmost caution, and not allow personal and portable unlicensed transmitting devices to enter the television band.

Sincerely,



Ernest J. Schimizzi
President and General Manager